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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 OSCAR M. CONSTANCIO,

12 Petitioner,

13 v.

14 SACRAMENTO SUPERIOR COURT,

15 Respondent.
16

No. 2:22-CV-1277-KJM-DMC-P

ORDER

17 Petitioner, a prisoner proceeding pro se, brings this petition for a writ of habeas
18 corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's petition, ECF No. 1. "A
19 petitioner for habeas corpus relief must name the state officer having custody of him or her as the
20 respondent to the petition." Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir.
21 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases. Because Petitioner has
22 not named the appropriate state officer, Petitioner will be provided leave to amend to correct this
23 technical defect by naming the correct respondent. See Stanley, 21 F.3d at 360. Petitioner is
24 warned that failure to comply with this order may result in the dismissal of this action. See Local
25 Rule 110.

26 Accordingly, IT IS HEREBY ORDERED that:

27 1. Petitioner's petition for writ of habeas corpus, ECF No. 1, is dismissed
28 with leave to amend;

1 2. Petitioner shall file an amended petition on the form employed by this
2 court, and which names the proper respondent and states all claims and requests for relief, within
3 30 days of the date of this order; and

4 3. The Clerk of the Court is directed to send Petitioner the Court's form
5 habeas corpus application.

6
7 Dated: October 3, 2022

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE